

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-026970

06/05/2012

HONORABLE MICHAEL J. HERROD

CLERK OF THE COURT  
M. Sahli  
Deputy

MARVIN L ERICKSON, et al.

DAN M DURRANT

v.

PAUL D MCKERNAN, et al.

BRYAN F MURPHY

LEO R BEUS

TRIAL MINUTE ENTRY  
DAY TWO

9:41 a.m. Trial to a Jury continues from June 4, 2012. Plaintiffs Damian Bass and Daniel Hu are present with counsel, Thomas Connelly. Defendants Folkestad are present with counsel, Dan Durrant. The jury is present.

Court reporter, Amy Stewart is present and a record of the proceedings is made by audio and/or videotape.

Opening statements continue.

10:39 a.m. Court stands at recess.

10:57 a.m. Court reconvenes with respective parties and counsel present. The jury is present.

Court reporter, Amy Stewart is present and a record of the proceedings is made by audio and/or videotape.

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Damian J. Bass is sworn and testifies.

Plaintiffs' exhibits 4, 5, 7, 11, 12, 14, 21 are received in evidence.

12:00 p.m. Court stands at recess.

1:23 p.m. Court reconvenes with respective parties and counsel present. The jury is not present.

Court reporter, Amy Stewart is present and a record of the proceedings is made by audio and/or videotape.

Argument is presented to the Court re Defendants' Motion in Limine re Testimony of Mrs. McKernan.

For the reasons stated on the record,

**IT IS ORDERED** affirming the ruling of Judge Donahoe re Defendant's Motion in Limine #1 re Other Litigation and Motion in Limine #2 re Dr. Steven Leibsohn.

**IT IS FURTHER ORDERED** granting Defendants' Motion in Limine re Testimony of Melody McKernan as the Court finds the testimony prejudicial.

The Court directs the parties to confer with the division clerk to determine which exhibits can be received in evidence by stipulation.

1:47 p.m. Court stands at recess.

2:10 p.m. Court reconvenes with respective parties and counsel present. The jury is present.

Court reporter, Amy Stewart is present and a record of the proceedings is made by audio and/or videotape.

The witness resumes the stand and testifies further.

3:20 p.m. The jury leaves the courtroom and court remains in session.

Pursuant to agreement of the parties,

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**IT IS ORDERED** Plaintiffs' exhibits 1, 2, 4 through 42, inclusive, 44, 45, 50, 54, 58 through 61, inclusive, 63 through 71, inclusive, 75 through 85, inclusive, and Defendants' exhibits 104, 125, 205, 206, 208, 209, 211, 212, 214 and 218 are received in evidence.

3:23 p.m. Court stands at recess.

3:40 p.m. Court reconvenes with respective parties and counsel present. The jury is present.

Court reporter, Amy Stewart is present and a record of the proceedings is made by audio and/or videotape.

The witness resumes the stand and testifies further.

Defendants' exhibit 207 is received in evidence.

Plaintiffs' exhibits 46 and 48 and Defendants' exhibit 107 are received in evidence.

4:41 p.m. The jury leaves the courtroom with instructions to return at 9:30 a.m. on June 6, 2012 and court remains in session.

Argument is presented to the Court regarding Defendants' objections to testimony and exhibits. Plaintiffs' exhibits 47, 49, 51, 52, 55, 56 and 87 are under review by the Court and the Court reserves ruling at the present time.

4:58 p.m. Court stands at recess until 9:30 a.m. on June 6, 2012.

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.